

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall, 301 Main Street
October 12, 2005

MEMBERS

Christopher A. Abel
Nicholas F. Barba
Anne C. H. Conner
John R. Davis
Alexander T. Hamilton
Alfred E. Ptasznik, Jr.
John W. Staton

CALL TO ORDER

Chair Alfred Ptasznik called the meeting to order at 7:00 PM.

ROLL CALL

The roll was called and the following members were present: Messrs. Barba, Hamilton, Ptasznik, Staton and Ms. Conner; Mr. Abel arrived late. Mr. Davis was absent. Staff members present were J. Mark Carter, Timothy C. Cross, Amy Parker, Earl Anderson, and Melanie B. Economou, Assistant County Attorney.

REMARKS

Chair Ptasznik stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

APPROVAL OF MINUTES

Mr. Hamilton moved adoption of the minutes of the regular meeting of September 14, 2005. They were adopted unanimously by roll call vote.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-685-05, Mark and Kathleen Barker: Request for a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a 795-square foot detached accessory apartment on a 0.93-acre parcel of land located at 406 Old Lakeside Drive (Route 792) approximately 180 feet east of its intersection with Whispering Pines Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B. The property is zoned R20 (Medium Density Single-Family Residential District) and is designated Medium Density Residential in the Comprehensive Plan.

Mr. Earl Anderson, Planner, reported to the Commission summarizing the staff report dated September 29, 2005, in which the staff recommended approval.

Mr. Ptasznik asked if the proposal included a walkway from the main house to the proposed apartment. **Mr. Anderson** said the applicant could best answer the question about a walkway. **Mr. Hamilton** inquired if drainage from the rear property line would be adequate, and **Mr. Anderson** noted that Condition 2 of the proposed resolution referred to the sketch plan submitted by the applicant, which showed the structure being 20 feet from the property line. This area will remain undisturbed for the eventual use of the drainage project.

Chair Ptasznik opened the public hearing.

Ms. Kathleen K. Barker, 406 Old Lakeside Drive, said her mother would occupy the accessory apartment, and the applicants have proposed a simple walkway to the accessory apartment.

Mr. Mike Squires, 300 Old Lakeside Drive, asked if the 20-foot setback from the property line and the 20-foot setback required for the County's planned drainage project would cause the elimination of the present tree buffer, and if the two setbacks are one and the same. **Mr. Anderson** said the design of the drainage project has not been done, but such projects usually preserve vegetative buffers. He offered to confirm that with the County's engineer for the drainage project. **Mr. Anderson** confirmed the buffer will total 20 feet because the usual 10-feet of setback would be replaced by the 20 feet required for the drainage buffer.

Mr. Hamilton suggested the applicants need more buffer than 20 feet because of the uncertainty of the drainage project design. **Mr. Carter** recommended a condition requiring a 30-foot easement to ensure the applicants have adequate space for their construction without infringing upon the drainage project. **Ms. Barker** said that would be an acceptable condition.

Mr. Hamilton moved adoption of proposed Resolution PC05-44(R).

Resolution No. PC05-44(R)

On motion of Mr. Hamilton, which carried 5:0 (Abel and Davis absent), the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT
AT 406 OLD LAKESIDE DRIVE**

WHEREAS, Mark and Kathleen Barker have submitted Application No. UP-685-05 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005, that Application No. UP-685-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.93-acre of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained in a proposed detached structure on a 0.93-acre of land located at 406 Old Lakeside Drive (Route 1554) and further identified as Assessor's Parcel No. 30K-1-3B (GPIN #T06A-2295-4108).
2. The apartment shall be contained within a proposed structure located on the southern side of the subject property as indicated on the sketch plan submitted by the applicant titled "406 Old Lakeside Drive" prepared by York County Geographic Information Systems, Division of Computer support Services, Department of Financial & Management Services and received by the Planning Division on September 28, 2005.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.

4. Habitable floor area of the accessory apartment unit shall not contain in excess of 795 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.

8. All structures shall remain thirty feet (30') from the rear property line.

~~8.9.~~In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

~~9.10.~~ In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

Application No. UP-679-05, Tracey A. Smith: Request for a two-element Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 6) and Section 24.1-283 of the York County Zoning Ordinance, to authorize a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24 & 36A-1-23A. The property is zoned R20 (Medium density single-family residential) and the Comprehensive Plan designates this area for General Business development.

Mr. Earl Anderson, Planner, presented a summary of the report to the Commission dated October 4, 2005 in which the staff recommended denial of the proposed kennel and approval of the proposed home occupation, which could be accomplished by adoption of proposed Resolution PC05-36. Conversely, should the Commission want to recommend approval of both elements of the application, he referred them to proposed Resolution PC05-39.

Mr. Anderson advised that several letters and telephone calls were received from neighbors and other interested parties, and all were supportive of the kennel and the home occupation, except one neighbor who opposed a kennel but did not oppose the home occupation.

There were no questions or discussion, and **Chair Ptasznik** opened the public hearing.

Ms. Tracey A. Smith, 106 Rich Road, spoke in behalf of her application. (The text of Ms. Smith's remarks is attached to the Minutes.)

Ms. Smith stated that she is seeking to provide a home pet grooming service and would work by appointment on days and hours as set out in the proposed conditions. She proposed limiting visits to a single dog or only one family of pets at a time, each pet taking approximately two hours to groom. Dogs from the same family, other than the dog being groomed, would be crated in the grooming area of her home until all are done.

Ms. Smith said the kennel element of her application would apply to her own dogs, which she breeds and exhibits in American Kennel Club-sanctioned dog shows approximately two times per month. She is a member of several dog clubs, each of which has its own strict code of conduct. She exceeds the standards of ethics set out by the clubs in every way possible, she stated. All standard health testing is completed before any dog is bred. The dogs are "members of the family" but sleep overnight in crates and also stay in their crates when Ms. Smith is at work or away from home. A regimented daily schedule is maintained for the dogs and someone supervises them at all times when they are outdoors. Her dogs are trained at a young age to obey a no-bark command and are not allowed to stand outside and bark. Their inoculations, flea, and heartworm preventatives are kept up to date and Ms. Smith maintains all of their veterinary and breeding records. They are microchipped to ensure identification. Waste is picked up and disposed of daily and she practices sanitation and odor-control on the premises.

Ms. Smith stated that she breeds and shows only Chinese Crested and Miniature Pinscher breeds, which when fully grown weigh seven to 10 pounds each. The total weight of all of her dogs is less than 100 pounds.

Mr. Staton asked if the proposal to keep the dogs in a run while they are outdoors is an acceptable condition. **Ms. Smith** said it was not ideal but she did not oppose it.

Mr. Barba asked how many dogs Ms. Smith expects to keep at one time. **Ms. Smith** replied she would not own more than 12 dogs at a time.

Ms. Conner asked if the dogs could be allowed to roam within the fenced yard. **Mr. Anderson** pointed out that a condition of the proposed Special Use Permit is to maintain the dogs in a dog run when they are outdoors. The run is specified to be at least 50 feet from the property line, which would require fencing of the run within the yard.

Mr. Hamilton asked if her proposed business would compete with an existing kennel on Route 17. **Ms. Smith** said she would not be in competition with existing animal boarding facilities. She does not propose to board dogs other than her own and she offers custom grooming services, averaging two hours to groom a dog. She proposes to offer services to owners whose dogs need specialized grooming, can wait with their dogs, and pay a higher price for her services. She said she could groom no more than four or five dogs in a day.

Mr. Ptasznik asked if a client might ask her to board a dog after grooming. **She** said that may be the case, but the animals would be picked up the same day they were groomed, and crated until their owners came to pick them up. The grooming area would be separate from her own dogs' kennel area and at no time would her dogs and dogs on the premises for grooming come in contact with each other, nor would dogs from different families come in contact with each other.

Mr. Ptasznik asked if she anticipated grooming various breeds of dogs. **Ms. Smith** said there may be different breeds, but all would be small dogs because she does not have the facilities or physical stamina needed for grooming large dogs.

Mr. Ptasznik thought the application indicated a need for an outside run for dogs whose owners leave them for grooming and will pick them up later.

Mr. Pat McMahon, 105 Rich Road, spoke in favor of the application. He said he lives directly across the street from the applicant. He does not hear any barking from Ms. Smith's dogs but does hear barking from a boarding kennel across Route 17. Mr. McMahon said Ms. Smith's dogs are small and quiet, she tends to them and keeps her yard clean and odor-free.

Ms. Marcia Gaulin, 104 Rich Road, had no problem with approving both elements of the application. The applicant's dogs are no bother to her, and she also said she could hear barking from a commercial kennel on Route 17, but not Ms. Smith's animals. She said there are days she neither sees nor hears any of Ms. Smith's dogs. She requested the application be approved for both the kennel and the home occupation.

Hearing no others, **Chair Ptasznik** closed the public hearing.

Mr. Barba said it is obvious that Ms. Smith knows what she is doing and is fond of dogs. He said his concern was whether a kennel would be an appropriate use of the property within a single-family neighborhood and whether other kennels might follow. **Mr. Barba** supported the home occupation but not the kennel.

Ms. Conner noted that her father had been a professional dog breeder and trainer of Chesapeake Bay Retrievers and operated from his home in an established residential area. She observed that well-trained dogs, when properly controlled, have a minimal impact on a neighborhood. Because Ms. Smith's dogs are very small, Ms. Conner believed their impact would be minimal and she would support approving both the kennel and the grooming as a home occupation.

Mr. Hamilton also lives near the commercial kennel on Route 17 and said the he hears dogs from that kennel at various times of the day. He said his problem is with the Zoning Ordinance, which states that a Special Use Permit is required to keep more than five dogs. The location is a confined area, which troubled him. He was also troubled that there needs to be a run and the applicant is really not in favor of a run. **Mr. Hamilton** said, based strictly on land use and ordinances, he could support the request for grooming as a home occupation but not the request for a private kennel.

Mr. Staton agreed with Mr. Hamilton.

Mr. Ptasznik said he had no problem with the home occupation. He was concerned about having up to five dogs on the premises for grooming at the same time as the owner's 10 to 12 dogs, even though her dogs may be small, well trained and debarked. He anticipated dogs being dropped off to be groomed while their owners were at work -- which, he believed, was typical. He anticipated that the applicant may need to use the run or kennel for those dogs some parts of the day. **Mr. Ptasznik** questioned the applicant's ability to care for that number of dogs on a day-to-day basis and whether they might create a nuisance in the neighborhood. **Mr. Ptasznik** called for a motion.

Mr. Barba moved to adopt proposed Resolution PC05-36.

Resolution No. PC05-36

On motion of **Mr. Barba**, which carried 4:1 (Abel and Davis absent, Connor dissenting), the following resolution was adopted:

A RESOLUTION TO RECOMMEND DENIAL OF A SPECIAL USE PERMIT TO AUTHORIZE A PRIVATE KENNEL AND APPROVAL OF THE HOME OCCUPATION FOR A PET GROOMING SALON AT 106 RICH ROAD.

WHEREAS, Tracey A. Smith has submitted Application No. UP-679-05 requesting a two-element Special Use Permit, pursuant to Sections 24.1-306 (Category 2, Number 6) and 24.1-283 of the York County Zoning Ordinance, to authorize a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005, that it does hereby transmit Application No. UP-679-05 to the York County Board of Supervisors with a recommendation of denial to authorize a private kennel and a recommendation of approval to authorize as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847) subject to the following conditions:

1. This use permit shall only authorize the establishment of a pet grooming salon as a home occupation within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24 (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847).
2. The conduct of the home occupation shall be limited to approximately 450 square feet, which is shown on the house survey sketch plan filed with the application.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to no more than five days per week from 8:30 AM and 5:30 PM, with case-by-case private appointments only between 5:30 PM and 8:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
8. In accordance with the terms of the Zoning Ordinance, a minimum of two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. ZM-97-05, Charter Hall Builders, LLC: Request to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501). The property, further identified as a portion of Assessor's Parcel No. 30L-3-B-9A, is designated Medium Density Residential in the Comprehensive Plan.

Timothy C. Cross, AICP, Principal Planner, presented a summary of the staff memorandum to the Commission dated September 29, 2005, in which the staff recommended approval. He noted that the applicant is out of town.

The Chair opened the public hearing.

Ms. Sheila Moynihan, 112 Beechwood Drive, spoke in opposition to the application because of anticipated additional traffic and noise and loss of convenience of the residents who walk to Heritage Square. She represented herself and six others who signed her letter to the Commission, which is attached to the minutes.

Mr. Ptasznik noted the large size of the adjacent lot on Beechwood Drive that the applicant plans to subdivide. **Mr. Cross** agreed that the parcel is larger than most of the lots in Harwood Mill subdivision.

Mr. Ptasznik understood the neighbors' concerns about their walkway to Heritage Square being eliminated but noted that it appears they have been trespassing, which he did not support.

Hearing no others, **Mr. Ptasznik** closed the public hearing.

Mr. Barba supported approval; in his opinion, two homes would be a good use of the property and this use would eliminate a paper street.

Mr. Hamilton favored approval but expressed concern about the restrictive covenants governing the 50-buffer.

Mr. Cross said the purpose of the rezoning request is to assemble at least 40,000 square feet of land for the purpose of developing two single-family detached homes; the owner is legally

bound by the restrictive covenant. **Mr. Cross** noted, however, that the County has no jurisdiction over private covenants and he could not anticipate whether the applicant plans to build on the buffer area.

Mr. Carter noted there is plenty of buildable depth on the lot exclusive of the 50-foot area, as evidenced by the developed lots along Beechwood Drive. He thought it desirable for the owners to leave the 50-foot buffer for its aesthetic value but the County could not force them to do so. Mr. Carter added that the applicant is not inclined to complete the purchase transaction with the County without having obtained approval to subdivide the parcels into two buildable lots.

Ms. Conner asked if it would be reasonable to rezone the strip lots behind each parcel to a residential classification. **Mr. Cross** said the 50-foot strips were zoned for residential use a number of years ago; in 1995, when the County implemented the update of the Comprehensive Plan with a comprehensive rezoning, they were reclassified to GB for a reason that is not clear at this time. He agreed that the entire strip should ultimately be rezoned to R20.

Mr. Hamilton moved to adopt proposed Resolution PC05-40.

Resolution PC05-40

On motion of Mr. Hamilton, which carried 5:0 (Abel and Davis absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM GB (GENERAL BUSINESS) TO R20 (MEDIUM-DENSITY SINGLE FAMILY RESIDENTIAL) APPROXIMATELY 0.18 ACRE OF LAND LOCATED APPROXIMATELY 175' WEST OF THE INTERSECTION OF MILL LANE AND BEECHWOOD DRIVE

WHEREAS, Charter Hall Builders, LLC has submitted Application No. ZM-97-05, which requests to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501) and further identified as a portion of Assessor's Parcel No. 30L-3-B-9A (GPIN #S05b-3625-3063); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005 that Application No. ZM-97-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from GB (General Business) to R20 (Medium-density single-family residential) an approximately 0.18-acre portion of a parcel of land located at the end of the unimproved right-of-way of Mill Lane approximately 175 feet west of the intersection of Mill Lane (Route 1504) and Beechwood Drive (Route 1501) and further identified as a portion of Assessor's Parcel No. 30L-3-B-9A (GPIN #S05b-3625-3063) and more fully described and identified as follows:

All that certain lot, piece or parcel of land situate, lying and being in Grafton District, York County, Virginia being fifty (50) feet in width and lying on the westerly side of Lot NINE (9), Block "B" and Mill Lane, as shown on the plat of survey entitled, "HARWOOD MILL – SECTION B, A SUBDIVISION OF THE PROPERTY OF THE YORK DEVELOPMENT CORPORATION, GRAFTON DISTRICT, YORK COUNTY, VIRGINIA," dated December 15, 1957, made by Wetherill D. Thomas, Certified Land Surveyor, Williamsburg, Virginia, of record in the Clerk's Office of the Circuit Court of York County, Virginia, in Plat Book 6, page 13, said parcel being more particularly described as commencing at a point on the westerly boundary line of "HARWOOD MILL – SECTION B," and is that point which marks the termination of the centerline of Mill Lane as shown on said plat, and from the point of beginning thus established, running thence in a northerly direction in a line which is coincident to the westerly lot line of Lot NINE (9), Block "B" a distance of 158.72 feet to a point; running thence S 72° 44' 57" W a distance of 50.00 feet to a point; running thence S 17° 15' 03" E a distance of 48.57 feet to a point; running thence S 07° 58' 48" E a distance of 101.86 feet to a point; running thence N 82° 14' 12" E a distance of 50.00 feet to a point, the point or place of beginning.

Application No. ZM-98-05, Elawar Properties II, LLC: Request to amend the York County Zoning Map by reclassifying a 0.95-acre parcel from EO (Economic Opportunity) to IL (Limited Industrial) subject to voluntarily proffered conditions. The property is located at 1629 George Washington Memorial Highway (Route 17), approximately 360 feet south of its intersection with Apple Lane (private road) and is further identified as Assessor's Parcel No. 37-11A. The applicant has proffered limiting uses, building materials, landscaping, and fencing of any outdoor storage. The property is designated for General Business in the Comprehensive Plan.

Mr. Earl Anderson, Planner, summarized the staff memorandum to the Commission dated October 4, 2005, in which the staff recommended approval.

Chair Ptasznik opened the public hearing.

Mr. Raja El-Awar, 925 Bay Tree Beach Road, Seaford, spoke in support of his application. **Mr. El-Awar** said his business is conducted currently from a location in Newport News that allows no room to expand beyond its 8,000 square foot area. Currently, he operates an engineering firm and a construction grading firm and he needs more space to operate his construction firm, which would allow him to store vehicles and equipment when they are not on a job site. The property on Route 17 appears to be ideal for conducting his business. **Mr. El-Awar** has lived in York County since 1995 and he would like to establish his business in the County. He will comply with all County ordinances and cooperate fully with the neighbors at the new location.

Mr. Ptasznik closed the public hearing.

Mr. Barba said the proposed use appeared to be an improvement over what is now on the property. He was not convinced, however, that a contracting business with outside storage was appropriate for the proposed location, considering the work of the Route 17 Revitalization Program Review Committee and its visions for positive changes.

Mr. El-Awar noted the property has potential for the future, but it consists of only one acre and he envisions using a maximum 3,000 feet for enclosed outdoor storage. He said his equipment is usually on project sites and there are rare times it is stored on his property. He also planned 3,000 square feet of indoor storage.

Mr. Barba asked if the majority of the applicant's business is construction or engineering. **Mr. El-Awar** said it presently is about 50-50, but the construction component could exceed 50% of the business in the future. **Mr. Barba** suggested that one acre may not be adequate to accommodate this business.

Mr. Hamilton thought the application met the criteria for land use and noted the proposed proffers permit development of a two- to three-story building on the property.

Mr. Hamilton moved to adopt proposed Resolution No. PC05-41.

Resolution No. PC05-41

On motion of Mr. Hamilton, which carried 4:1 (Abel and Davis absent, Barba dissenting), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO
REZONE A 0.95-ACRE PARCEL LOCATED AT 1629 GEORGE
WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) FROM EO

(ECONOMIC OPPORTUNITY) TO IL (LIMITED INDUSTRIAL)
SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

WHEREAS, Elawar Properties II has submitted Application No. ZM-98-05, which requests to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to IL (Limited Industrial) subject to voluntarily proffered conditions a 0.95-acre parcel located at 1629 George Washington Memorial Highway (Route 17), approximately 360 feet south of its intersection with Apple Lane (private road) and further identified as Assessor's Parcel No. 37-11A (GPIN# S02B-3612-4243); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005, that Application No. ZM-98-05 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to IL (Limited Industrial) subject to voluntarily proffered conditions a 0.95-acre parcel located at 1629 George Washington Memorial Highway (Route 17), approximately 360 feet south of its intersection with Apple Lane (private road) and further identified as Assessor's Parcel No. 37-11A (GPIN# S02B-3612-4243).

BE IT FURTHER RESOLVED that the Planning Commission recommends that approval of said application be subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Conditions voluntarily proffered for the reclassification of property identified as 1629 George Washington Memorial Highwaya (*sic*) rezoning application ZM-98-05" signed by the owner of the subject property Elawar Properties II, LLC; received by the York County Planning Division on October 7, 2005, a copy of which shall remain on file in the Planning Division, and which, upon approval by the Board of Supervisors, shall be recorded in the office of the Clerk of the Circuit Court pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.

Mr. Abel arrived at 8:46 p.m.

Application No. UP-681-05, Coventry Corner, LLC: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize the establishment of a mini-storage warehouse facility on a 3.72-acre parcel of land located at 1520 George Washington Memorial Highway (Route 17) in the northeast quadrant of the intersection of Route 17 and Coventry Boulevard (Route 1763).

The property, further identified as Assessor's Parcel 37-55-3, is zoned GB (General Business) and designated for General Business development in the Comprehensive Plan.

Timothy C. Cross, AICP, Principal Planner, summarized the staff report dated October 4, 2005, in which the staff made a recommendation of approval.

Mr. Hamilton inquired if lighting would be required. **Mr. Cross** said the standard conditions would require full cut-off luminaires and for lighting to be directed away from Tabb Lakes.

Mr. Hamilton said the staff report indicated a shortage of parking space and the possibility that the size of the development would be scaled back accordingly. **Mr. Cross** said, while the applicant's concept plan indicates insufficient parking for the development, there are a couple of possible remedies worth considering: the development could be scaled back in size or the mix between retail and mini-storage could be shifted to take advantage of the lower parking requirements for mini-storage, which, he added, may be unrealistically high. Ultimately, the applicant must satisfy the review staff that adequate parking will be provided.

Mr. Hamilton asked if there would be an on-site or resident manager. **Mr. Cross** deferred the question to the applicant.

Mr. Abel noted the conditions propose a single monument sign on Coventry Boulevard while restricting access from the parking area to Coventry Boulevard. He thought the sign should be located in an accessible parking area. **Mr. Cross** said access from the storage facility to Coventry Boulevard would be from Professional Parkway only.

Chair Ptasznik opened the public hearing.

Mr. Paul Garman, 109 Chismans Point Road, Seaford, represented the applicant for Mid-Atlantic Commercial. Mr. Garman said the applicant's primary goal was to offer the highest and best use of the property. The proposed retail and mixed uses would create jobs and revenues. He explained that a smaller building footprint could support 60,000 sq. ft. of storage space because most of the storage units would be contained in the second and third stories of the building. The storage floors will have the exterior appearance of an office building. The storage facility will be accessible from two sides of the building. The rear of the building will offer a loading dock and an elevator that opens onto upstairs hallways to access the individual, locked units. He said the applicants would comply fully with the Route 17 Beautification Plan. **Mr. Garman** added that increasing the size of the individual storage units could reduce the required parking, which is one and one-half parking spaces for every 10 storage units.

The applicant would like to revisit the issue of access to Coventry Boulevard, **Mr. Garman** said; otherwise, a user of the storage units would have to drive around all four sides of the building before exiting the parking lot. He would like for them to be able to drive around two sides to exit onto Coventry Boulevard.

Mr. Hamilton asked if truck deliveries would be at the rear of the building. **Mr. Garman** said that was correct and they would have to drive around two sides of the building and two sides of the parking lot. Some commercial users may need large trucks, he added, so the parking lot is being designed and engineered to accommodate a turnaround for an 18-wheeler so it would not have to go through the middle of the parking lot.

Ms. Conner asked if the applicant expects to access a different market than is reached by the traditional outdoor storage units in the County. **Mr. Garman** said there are no units in this market that compare to what is proposed by the applicant.

Mr. Barba asked about the retail spaces. **Mr. Garman** noted the retail spaces would be 1,000 to 1,200 sq. ft. in size with the possibility of creating larger spaces by combining some. No tenants are signed up, but the applicant anticipates attracting businesses that will serve the neighborhood.

Mr. Michael Golub, 506 Bridgewood Drive, lives directly behind the proposed project. He had several comments and questions:

- There does not appear to be enough room at the rear of the building for loading and unloading.
- Existing trees are deciduous and provide only a thin vegetative buffer behind the building.
- What would the rear of the building look like? Would it have windows across the upper stories in the rear? What would tenants be able to see from the windows?
- How much exterior lighting will be used? Where will the light be directed?
- Will tenants be loading and unloading around the clock?

Mr. Ditlef Olsen, Fjord Construction Co., 324 Redoubt Road, part owner of the property, stated that this type of unit is gaining in popularity around the country. Hours of tenant access haven't been determined but such operations normally are closed between 8 PM and 8 AM. He also explained there would be two entrances and explained the method of using the freight elevator to access the upper levels. There should be no problem with traffic congestion near the back doors, according to Mr. Olsen. The units would be climate-controlled.

Mr. Cross said the standard lighting requirement calls for full cutoff luminaires with lighting – whether attached to the building or on light poles - directed downward. He added that a condition dating back to 1988 when the property was conditionally rezoned requires all lighting be directed toward the building and Route 17, away from Tabb Lakes.

Mr. Hamilton asked about generator location, and **Mr. Olsen** said there would be split-unit generator systems installed on the roof. He did not know if back-up generators would be provided, but there would be someone on site to respond to any emergency, such as elevator malfunction, during the hours of customer access.

Ms. Kim Gambino, 516 Bridgewood, lives directly behind the property. She said the trees behind the property are small. She expressed concerns about possible nuisances related to large truck traffic on the site, freight doors and elevators, air conditioning and lights. Ms. Gambino did not think it was a proper use for what she considered a small parcel of land. The traffic leaving Tabb Lakes has already been impacted by Royal Farms, she said, and the traffic noise from Route 17 and the time it takes to get out of Tabb Lakes have increased.

Mr. Jim Magnotta, 112 Richard Run, President of Tabb Lakes Homeowners Association, noted that traffic on Coventry Boulevard has increased significantly in the last two years. His two main concerns were traffic – including tractor-trailers turning left off Route 17 and blocking traffic, and stormwater drainage because the additional runoff may be more than Tabb Lakes could manage.

Mr. Ptasznik closed the public hearing.

Mr. Hamilton suggested that a tractor-trailer making a sharp left turn off Route 17 might destroy shrubbery and vegetation. He was not convinced the parking plan is satisfactory for traffic and for unloading in the rear of the building. He thought the land use concept was interesting and said he could support a mini-storage warehouse for that location.

Mr. Barba thought it would probably be a good use of the land and believed some of the negatives were outweighed by positives.

Ms. Conner liked the unique concept. She believed the citizens' concerns were valid; however, the property is zoned General Business and the proposed use would be restricted to routine hours of operation.

Mr. Ptasznik supported the retail/storage unit concept and believed the project could help fill a need for climate-controlled units suitable for storing documents and electronic equipment.

Mr. Hamilton moved adoption of proposed Resolution PC05-42.

Resolution No. PC05-42

On motion of Mr. Hamilton, which carried 6:0 (Davis absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A MINI-STORAGE WAREHOUSE FACILITY IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF ROUTE 17 AND COVENTRY BOULEVARD

WHEREAS, Coventry Corner, LLC has submitted Application No. UP-681-05 to request a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York

County Zoning Ordinance, to authorize the establishment of a mini-storage warehouse facility on a 3.72-acre parcel of land located at 1520 George Washington Memorial Highway (Route 17), further identified as Assessor's Parcel 37-55-3 (GPIN #S02b-4257-3502) and located in the northeast quadrant of the intersection of Route 17 and Coventry Boulevard (Route 1763); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005 that Application No. UP-681-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a mini-storage warehouse facility on a 3.72-acre parcel of land located at 1520 George Washington Memorial Highway (Route 17) further identified as Assessor's Parcel 37-55-3 (GPIN #S02b-4257-3502), and located in the northeast quadrant of the intersection of Route 17 and Coventry Boulevard (Route 1763) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a mini-storage warehouse facility on a 3.72-acre parcel of land located at 1520 George Washington Memorial Highway (Route 17) further identified as Assessor's Parcel 37-55-3 (GPIN #S02b-4257-3502), and located in the northeast quadrant of the intersection of Route 17 and Coventry Boulevard (Route 1763).
2. A site plan prepared in accordance with the provisions set forth in Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land disturbing or construction activities on the site. Said site plan shall be in substantial conformance with the concept plan titled "Coventry: Preliminary #2," prepared by C. E. Newbaker Surveying & Planning, Inc. and dated August 17, 2005, supplemented with color buildings submitted by the applicant, except as modified herein. Any significant reduction in ground-floor retail square footage along either Route 17 or Coventry Boulevard shall not be deemed to be in substantial conformance with the referenced concept plan.
3. Development and operation of the mini-storage warehouse facility shall be in compliance with the performance standards set forth in Section 24.1-484, *Standards for mini-storage warehouses*, of the Zoning Ordinance, except as modified herein.

4. Freestanding signage for the development shall be limited to one (1) monument sign on Coventry Boulevard in accordance with the dimensional standards set forth in Section 24.1-703(a), of the York County Zoning Ordinance.
5. Building façades along the northern, western, and southern sides of the building shall be constructed of brick or pre-formed simulated brick panels as depicted on the color building renderings submitted by the applicant. The eastern building façade facing the Tabb Lakes subdivision (i.e., parallel to and facing Bridge Wood Drive) shall be constructed of brick, split-faced block, dryvit or other simulated stucco (EIFS), steel-surfaced/pre-finished insulated dimensional wall panels, pre-formed simulated brick or architectural block panels, and wood or synthetic clapboard siding. Barren or unfinished concrete masonry unit (cinder block), corrugated metal, sheet metal, and vertical metal siding shall not be permitted.
6. All fencing shall be of a black wrought iron style. The use of chain link or similar theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
7. A landscaped open space strip a minimum of ten feet (10') in width shall be provided adjacent to and surrounding the building in accordance with the provisions of Section 24.1-244(b) of the Zoning Ordinance.
8. The existing 50' transitional buffer shall be supplemented with additional plantings, in accordance with the planting ratios and standards for a Type 50 Transitional Buffer set forth in Section 24.1-243 of the Zoning Ordinance, to provide a visual screen between the development and the residential properties located at 514 and 516 Bridge Wood Drive.
9. Vehicular access to the development shall be via Professional Parkway only. Direct vehicular access to Coventry Boulevard shall be prohibited.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

RECESS / RECONVENE

Chair Ptasznik called a recess at 9:32 p.m. and reconvened the meeting at 9:42 p.m.

PUBLIC HEARINGS, continued

Application No. UP-684-05, Oceanfront Enterprises, LLC: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the

York County Zoning Ordinance, to authorize construction of a mini-storage warehouse facility on a 8.5-acre parcel of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17. The property, further identified as Assessor's Parcel No. 24-54-B, is zoned GB (General Business) and is designated for General Business in the Comprehensive Plan.

Mr. Earl Anderson, Planner, presented a summary of the staff report dated October 3, 2005, in which the staff recommended approval. He said the retail and mini-storage components would be considered together during plan review because the retail areas would be designed to conceal the storage areas.

Mr. Hamilton wanted to know the time frame for the County to upgrade the stormwater system adjoining the property, and **Mr. Anderson** noted that construction has not been scheduled. **Mr. Hamilton** was concerned about possible flooding. **Mr. Anderson** stated the applicant is required to maintain and not increase pre-development rates of runoff.

Chair Ptasznik opened the public hearing.

Joseph H. Latchum, Jr., Esq., 116 West Landing, Williamsburg, introduced the applicant, Mr. Chris Perry, and the project engineer, Mr. Al Sledd. Mr. Latchum said that, due to the topography of the land, three acres are unusable and the remaining five acres are challenging to develop. However, the project would make good use of the land. The applicant operates under the name "Happy Boxes," an owner-operator business operating successfully in other jurisdictions and has established a reputation as a good corporate citizen. Happy Boxes expects to invest \$4 million in the proposed project. The applicant has conducted market research that indicates almost all mini-storage units in the County are leased and the area could support more units. The application proposes the units have a brick façade and extensive landscaping. A conference room would be available. The retail uses would meet all the criteria for Route 17.

Mr. Latchum said that Mr. Sledd is currently seeking to confirm that land is available to accommodate a taper and full-width right turn lane, as required in Condition 12 of the proposed resolution.

Mr. Abel asked the applicant if the conference room would be available for public use, and if the storage facility is expected to appeal to business or industrial users.

Mr. Chris Perry, 1016 Ditchley Road, Virginia Beach, explained that the conference rooms, available at each Happy Boxes location, are designed and equipped for small business users and are therefore available only to those tenants. He confirmed that 25 percent of users are in those categories. Mr. Perry added that 42 percent of the total square footage, including all storage areas, is climate controlled, ideal for storing documents and delicate equipment.

Mr. Ptasznik asked if the design is flexible in case the extra land required for a turn lane should indicate a need to move the office space to the opposite side. **Mr. Perry** said some flexibility would be considered.

Mr. Anderson explained that his discussions with the Virginia Department of Transportation, which recommended a full-width turn lane, indicated there is enough property to provide the turn lane, including a portion of the Dominion Virginia Power easement containing the power lines.

Mr. Carter suggested the Commission consider adding a condition allowing the applicant to shift the retail and office from north to south if it would better accommodate the 150-foot turn lane and meet VDOT requirements. **Mr. Ptasznik** asked staff to provide the appropriate language for such an amendment.

Ms. Conner requested more information about the market study.

Mr. Perry said his company evaluates all prospective sites through market studies. This study indicated a need for first-class, top-notch self-storage that is designed for easy access, that provides space for commercial customers in need of a conference room, and offers climate-controlled spaces. Mr. Perry added that his target market radius contains a population of 112,000 and the study indicates a population growth of 33 percent in a five-mile radius of the site within the next five years. He assured Ms. Conner that everything in the County that currently is in a planning or construction phase is being taken into consideration in his plans.

Mr. Barba asked if the study took into account the existing 183,000 sq. ft. of storage space in the County. **Mr. Perry** confirmed that it did and further indicated that the existing space is almost fully rented.

Mr. John F. Moore, 105 Club Way, Seaford, owns property directly behind 143 Freedom Boulevard. Mr. Moore was supportive of storage units in general. As a member of the Board of Directors of Victory Industrial Park (VIP) business owners, he expressed concern about the vagueness of the applicant's stormwater management plan. Stormwater currently is directed from about 30 surrounding acres into the VIP-owned and maintained system, which is already overburdened. He said it appeared this project initially would also use their stormwater management resources. It is the VIP owners' responsibility to maintain their system. Mr. Moore requested to be kept apprised of all progress on the County's drainage project.

The Chair closed the public hearing.

Mr. Hamilton asked about the plan for stormwater management under the proposal.

Mr. Perry offered to meet with Mr. Moore and discuss the issue. He said he would defer to Mr. Sledd for advice, but he would cooperate with the VIP owners to initiate methods that would drain his proposed site properly.

Alvin D. Sledd, P. E., Vanasse Hangen Brustlin, Inc., 11832 Rock Landing Drive, Newport News, said a certain amount of the property drains naturally toward Victory Industrial Park. The applicant proposes to collect runoff, convey it to a stormwater management facility and release it slowly and over a long period time so that it would not exceed the amount of water that is draining naturally into the VIP system at this time.

Mr. Anderson noted that the proposed resolution included no condition addressing drainage and recommended a revision requiring the applicant to contribute a specified dollar amount toward stormwater management, as discussed under item 6 of the staff report. **Mr. Carter** said the proposed condition could include a requirement for the applicant to obtain permission and agreement from Victory Industrial Park to drain into the pond that it owns and maintains.

Mr. Barba was uncertain that he could support the application given there are two mini storage warehouses within one-half mile and on Route 17. Furthermore, another application for mini storage has been proposed at this meeting. It appeared the applicant envisions a large number of units. **Mr. Perry** stated he is proposing 536 units. **Mr. Barba** said Route 17 has the potential to “bear a lot of good things” but it may take some time to get the right mix.

Mr. Abel agreed with Mr. Barba and said he would be more reluctant to recommend approval were it not for the retail component. Mr. Abel noted that the property is not very developable due to lack of access and the existing power lines. He expressed concern about the number of vehicles that often park on Freedom Boulevard and the possibility of traffic cutting through the applicant’s property from the back entrance. However, because the Route 17 frontage would be a retail use and proposes a practical use for what otherwise might be “dead space,” Mr. Abel would support approval.

Mr. Hamilton asked if other locations in the County provide for outdoor boat storage. **Mr. Perry** did not know, but said he proposes a first class operation that would require registration and proof of insurance for all boats stored and it would be geared toward the high-end user. A manager would be on site; plans include an upstairs apartment for the facility manager.

Ms. Conner cited a small boat-storage facility on Route 17 next to Colonial Kitchens. **Mr. Carter** confirmed that, but was not aware of any other boat-storage facility in the County as large as the proposed one. He believed there was another mini-storage facility that offered limited space for outdoor boat storage.

Ms. Conner expressed concern over an overwhelming number of storage facilities within a two-mile area of this location on Route 17 and did not believe that committing the limited amount of Route 17 frontage to these types of uses for a very long time was in the County’s best interest, nor did she agree with routinely using GB-zoned property for storage facilities simply because an application came before the County. She expressed great concern over

recommending another storage facility for five acres of GB-zoned property and was not convinced that this was the best use of the property, given the proximity of the others.

Mr. Hamilton agreed. He felt the vision for Yorktown was to carefully select the uses on Route 17 and thought there might ultimately be a better use for this parcel.

Mr. Ptasznik appreciated the discussion and agreed with those who favored the retail opportunity the application offers. There is no retail component associated with the other storage units on Route 17, and he did not know what else it could be used for if not a retail activity.

Mr. Staton agreed with much of the discussion, but his real concern was about the topography of the land. He did not believe it offered the opportunity for a variety of uses because it is flat and has poor drainage. He supported approval of the application.

Mr. Abel wondered what other types of uses could be made of the back part of the lot and mentioned that Freedom Boulevard does not attract drive-by businesses. He believed it would be difficult to do anything more useful with that section of the property, and supported the application because of the opportunity for dual uses.

Mr. Barba moved adoption of proposed Resolution PC05-43(R), to include the noted revisions concerning drainage.

Resolution No. PC05-43(R)

On motion of Mr. ~~Hamilton~~~~Barba~~, the following resolution was defeated by virtue of a tie vote of 3:3 (Yes - Abel, Staton, Ptasznik; No - Barba, Conner, Hamilton; Absent - Davis):

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE CONSTRUCTION OF A MINI-STORAGE WAREHOUSE FACILITY ON AN 8.5-ACRE PARCEL OF LAND LOCATED AT 6830 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) APPROXIMATELY 300 FEET SOUTH OF THE INTERSECTION OF OLD YORK-HAMPTON HIGHWAY (ROUTE 634)

WHEREAS, Oceanfront Enterprises, LLC has submitted Application No. UP-684-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize construction of a 59,576-square foot mini-storage warehouse facility, including accessory boat and recreational vehicle storage, on 8.5 acres of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17 and further identified as Assessor's Parcel No. 24-54-B (GPIN# R07A-2358-4137); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005, Application No. UP-684-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize construction of a 59,576 square foot mini-storage warehouse facility, including accessory boat and recreational vehicle storage, on 8.5 acres of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17 and further identified as Assessor's Parcel No. 24-54-B (GPIN# R07A-2358-4137) subject to the following conditions:

1. This use permit shall authorize a 59,576 square foot mini-storage warehouse facility, including accessory boat and recreational vehicle storage, on 8.5 acres of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17 and further identified as Assessor's Parcel No. 24-54-B (GPIN# R07A-2358-4137).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the commencement of any construction or land clearing activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled "Happy Boxes Self-Storage Facility & Specialty Office/Retail; Conceptual Plan," prepared by Vanasse Hangen Brustlin, Inc., and dated 09/26/05, received by the York County Planning Division on September 28, 2005, except as modified herein or as may be necessary to comply with site plan review requirements. In accordance with the concept plan, the retail and mini-storage warehouse components of the project shall be integrally related. Site plan submissions shall include both components and building permits shall not be issued for any of the mini-storage warehouse buildings until permits for the retail building have been issued.
3. Development and operation of the mini-storage warehouse facility shall be in compliance with the performance standards set forth in Section 24.1-484, *Standards for mini-storage warehouses*, of the Zoning Ordinance, except as modified herein.
4. Building design for the mini-warehouses and any office or support buildings associated with the mini-warehouse project shall be consistent with the representative elevations submitted by the applicant on September 28, 2005, titled "Happy Boxes

Self Storage Facility & Specialty Office/Retail; Yorktown, VA; Exterior Elevations” prepared by Ionic Deziign Studios. All buildings facing George Washington Memorial Highway (Route 17) and Freedom Boulevard (Route 320) shall meet the requirements under Zoning Ordinance, Section 24.1-379, *Route 17 Commercial Corridor Revitalization Overlay District*.

5. All warehouse bay doors shall face the inside of the mini-storage warehouse development. No warehouse doors shall be located along or in the exterior façade of the mini-storage warehouse development.
6. Fencing utilized around the perimeter of the mini-storage warehouse facility shall be simulated wrought iron fencing, except where the boat/RV outdoor storage area is located, which shall be board-on-board wood stockade fencing incorporating a concave or convex top with a minimum height of six feet. The use of theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
7. A tree preservation plan certified by the Virginia Department of Forestry, the York County Cooperative Extension Service or a qualified arborist or urban forester shall be prepared for the lot to be submitted with the first site plan submission as detailed in Section 24.1-242 of the York County Zoning Ordinance specifically addressing the areas designated as ‘transferred green space’.
8. Outdoor free-standing and building mounted lighting shall be full cutoff luminaries or a decorative luminary with full cutoff optics in accordance with Illuminating Engineering Society of North America standards. All lighting shall be directed downward and shall not spill over onto adjacent properties or public rights-of-way. Maximum allowable foot-candles at the property lines shall not exceed 0.5 foot-candle. All lighting, except low-level security lighting, shall be extinguished between the hours of 11:00 PM and dawn. In addition, the applicant shall submit a photometric plan, to include manufacturer’s specifications for all lighting fixtures, indicating all outdoor lighting on the site as part of the site plan submission process.
9. Freestanding signage for the development shall be limited to one (1) monument sign on George Washington Memorial Highway (Route 17) and one (1) monument sign on Freedom Boulevard (Route 320) in accordance with the dimensional standards set forth in Section 24.1-703(a), of the York County Zoning Ordinance.
10. Limited storage of vehicles may be permitted as an accessory and incidental activity to the mini-storage warehouse use provided they are restricted to recreational vehicles and recreational boats. Parking areas for such storage shall be in addition to minimum required parking for the mini-storage warehouse use, and shall be clearly indicated on the approved site plan referenced in Condition No. 2 above.

11. Design of buildings, driveways and access ways shall accommodate a turning radius of thirty-three feet (33') for large fire and rescue apparatus. Adequate water supply, including hydrants if required by the Fire Chief, shall be established for fire suppression operations on the site.
12. Access to the parcel shall be subject to compliance with all standards established and required by the Virginia Department of Transportation with respect to driveway design and turning lane improvements and shall specifically include installation of a 150-foot full-width right-turn lane with a 150-foot taper to serve the Route 17 entrance. If desired by the applicant, or required by VDOT, the location of the commercial entrance may be shifted to the north side of the retail building and the site to better accommodate the 150-foot turn and taper lanes.
13. An executed encroachment agreement shall be submitted with the first submission of the site plan from Dominion Virginia Power for the proposed improvements in the existing easement located on the southeastern portion of the property.
- ~~13.~~14. The applicant shall contribute the sum of \$1,480 per acre to the County for every acre, or portion thereof on a proportional basis, that will flow into the Industrial Park system. Said funds are to be applied to the programmed stormwater management improvement project to be undertaken by the County on the outfall channels downstream from Victory Industrial Park. The applicant shall secure permission from the Victory Industrial Park Property Owners Association prior to creating any quantitative or qualitative stormwater management demands on the systems owned and maintained by that Association.
- ~~14.~~15. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Mr. Carter advised that the tie vote indicated that the Commission was neither recommending approval nor denial and it could forward the application to the Board of Supervisors with that as the report or table it until a full Commission is present. **Mr. Ptasznik** remarked that he would not want to forward an application to the Board without a recommendation and recommended tabling it until there is a full complement of members present, at the next meeting. However, no formal motion or vote was undertaken to table the request.

Application No. UP-686-05, Premier Properties USA, Inc.: Request for a Special Use Permit, pursuant to Sections 24.1-306 (Category 13, No. 2) and 24.1-466(g) of the York County Zoning Ordinance, to authorize establishment

of a regional shopping center of more than 80,000 square feet of gross floor area located at 165 and 175 Water Country Parkway and further identified as Assessor's Parcel Nos. 11-4-3 and 11-91. The properties, containing 233.11 acres (parcel no. 11-4-3) and 3.67 acres (parcel no. 11-91) are located at the southeast quadrant of the southern Humelsine Parkway (Route 199)/Interstate 64 interchange and south of Water Country Parkway (Route 640). The property is zoned EO (Economic Opportunity) and is designated for Economic Opportunity development in the Comprehensive Plan.

Ms. Amy Parker, Senior Planner, presented a summary of the memorandum to the Board dated October 10, 2005, in which the staff recommended approval. Under the proposal, the public road improvements would be funded through a bond issue. Ms. Parker noted that staff received the applicant's traffic impact study one week ago and has submitted it to the Virginia Department of Transportation (VDOT) for review. She acknowledged receipt of a letter from the Virginia Department of Historic Resources that concurred with the findings and recommendations of the Phase II Archaeological Report, James River Institute. James City County planning office also wrote a letter, which has been transmitted to the Commission, recommending: postponement of action on the application until VDOT completes review and approval of the plans and traffic study; preservation of historic sites in place; and requiring better design guidelines for pedestrian connections and urban design. The James City County planning office further expressed concerns about stormwater management in areas of steep slopes. Ms. Parker pointed out that the Zoning Ordinance controls development on steep slopes. The Environmental and Development Services staff reviewed the stormwater management plan and saw no initial problems. If stormwater management was shown to be lacking during more detailed site plan review, the applicant would be required to adjust the amount of impervious surface accordingly. Both aforementioned letters are attached to the Minutes.

Mr. Ptasznik asked when the VDOT traffic study might be completed. **Ms. Parker** said VDOT indicated it would be the beginning of November at the earliest before they could complete review of the study. Much of the study and review effort will focus on the requested connections to the Grove Interchange, she added.

Chair Ptasznik opened the public hearing.

Mr. Ryan D. Cronk, Premier Properties, Inc., 5252 East 82nd Street, Indianapolis, Indiana, introduced other members of the project team, including Messrs. Jeff Kanable, Premier Properties; Ronnie Osborne, Landmark Design Group; Dexter Williams, DRW Traffic Consulting; Doug Beish, Williamsburg Environmental Group; Paul Gerhardt, Kaufman & Canoles; John Quarstein, historian; and staff from James River Institute. Mr. Cronk presented a slide show of the application.

Mr. Cronk said that Premier Properties built its initial center in Plainfield, Indiana, approximately 10 years ago and is currently working on other projects in Indianapolis, Atlanta, Pittsburgh, and Orlando. He said its designs emphasize pedestrian circulation,

national retailers, specialty shops, restaurants, and local entrepreneurs. He said that Premier created a design theme unique to York County and the proposed project has been named The Marquis. Mr. Cronk estimated \$180 million in annual sales for Phase I.

The center is designed with two pods, north and south, with a main street-type design as the focal point. It offers open-air shopping, allowing shoppers to walk from one store to any other store without having to walk through a parking lot. **Mr. Cronk** expects it to be a regional shopping and entertainment destination. He spoke of the parking plan, decorative light poles, landscaped and lighted sidewalks, and potted plants to maintain color year-around. Mr. Cronk said retail architects JPRA Architects of Michigan created the design. **Mr. Cronk** said that brick facades would be prominent, including brick pavers on sidewalks and crosswalks. Weather protection would be offered along with open space.

Mr. Dexter Williams, 2319 Lathum Place, Midlothian, VA, is the applicant's traffic consultant. Mr. Williams said the project design and analysis was started over two years ago. A traffic study was submitted to VDOT at the end of August 2005. After a brief review and in response to comments by VDOT, the applicant modified the initial design. He discussed traffic growth on Interstate 64 and Route 199 and forecasts for future growth over the next 20 years. He said those major roadways may need to expand to allow growth. He spoke of ramp junctions, turning movements, and growth of areas around those major roadways that would make it difficult or impossible to achieve the most desirable levels of traffic service. He did not foresee that Interstate 64 could handle any more traffic.

Mr. Abel asked about the center in Plainfield. **Mr. Cronk** said the applicant's first project was started 10 years ago in Plainfield, Indiana, and a new one is under construction there at this time.

Mr. Abel asked if Short Pump Center in Richmond would be an accurate comparison to what is envisioned for The Marquis in York County. **Mr. Cronk** said the York County project as proposed would be larger than Short Pump Center but the atmosphere and retail mixes would be comparable.

Mr. Cronk explained the naming of the project.

Mr. Cronk, replying to **Ms. Conner**'s questions, said he is Vice President of Development for Premier Properties, Inc., which is privately owned.

Chair Ptasznik closed the public hearing.

Mr. Abel was concerned about the limited time available to the Planning Commission to consider this application, noting the application materials were delivered to the members 48 hours ago. It is a major proposal for one of the few undeveloped areas of the County and an area in which the Commission takes great interest. He appreciated the presentations, but requested that the Commission not vote until it has time for more study and consideration.

Mr. Hamilton concurred. He wanted to be sure his vote was made for the right reasons and for what he believed to be the correct use for that particular land.

Ms. Conner was enthusiastic about the plan and commended the developers for their vision, but concurred that more time is needed for review.

Mr. Staton requested to ask the applicant another question.

Chair Ptasznik reopened the public hearing.

Mr. Staton asked if Phase I and Phase II would be similar in size and proportion.

Mr. Cronk explained that Phase II would be smaller and the total size of the two phases should equal more than one million square feet.

Hearing no other questions, **Mr. Ptasznik** closed the public hearing.

Mr. Barba echoed the other members' concerns. It seems to be a great project but with everything that's been going on in the County - such as financing the infrastructure - the train is already rolling. He said the Commission could look at it some more, but it looks like a done deal.

Mr. Ptasznik expressed concern over the lack of traffic studies and wetlands information. It would be a major undertaking and he also wanted more time to study the comprehensive application package. It appeared to him to be a good project.

Mr. Carter advised that the Planning Commission could table the application if it did not intend to keep the public hearing open and deliberate it at the next meeting. If more public comment would be allowed, it could choose to continue the public hearing. The staff will readvertise if necessary. **Mr. Ptasznik** recommended continuance until the November regular meeting of the Commission.

Mr. Staton asked if the traffic study would be back from VDOT in time to be included in the November meeting materials. **Mr. Carter** reported that the applicant has requested another meeting with VDOT's district level. Staff will try to have that meeting within two weeks. However, the ultimate traffic situation cannot be projected until VDOT completes its reviews and, after that, the proposals for connections with the interstate highway are reviewed by the Federal Highway Administration official system and found to be acceptable. The proposed transportation system condition has been written in such a way to account for the whole review process, he added.

Mr. Carter apologized for the short time the members had to study the package.

Mr. Abel moved to continue the public hearing until the November regular meeting. The vote to continue the public hearing was unanimous, 6:0 (Davis absent).

NEW BUSINESS

There was no new business.

OLD BUSINESS

There was no old business.

STAFF REPORTS

Mr. Carter distributed the “Development Activity Update” dated October 12, 2005.

Mr. Carter mentioned the memorandums distributed to the members concerning proposed “housekeeping amendments” to the Subdivision Ordinance and Zoning Ordinance sponsored by the Board of Supervisors which will be on the November agenda for public hearing by the Commission.

Mr. Carter reported on the status of the revision to the Comprehensive Plan. The Board of Supervisors conducted a work session on October 11th and will probably hold at least one other work session before its public hearing, scheduled for October 25th. The Board was complimentary of the work accomplished by the Planning Commission and the Comprehensive Plan Review Steering Committee.

COMMITTEE REPORTS

There were no committee reports.

COMMISSION REPORTS AND REQUESTS

Mr. Barba asked about the progress on a Zoning Ordinance amendment that would automatically qualify accessory apartments in certain zoning districts. Mr. Carter reported that Mr. Anderson had compiled a report and the staff will provide information to the Commission on which to base a proposal to amend the Zoning Ordinance should that be its desire.

Mr. Ptasznik reported on the recent annual meeting of the Citizens Planning Education Association of Virginia and encouraged the Commissioners to attend some of its training and programs to take advantage of the excellent educational opportunities it offers about planning and zoning.

ADJOURN

The meeting was adjourned at 11:28 p.m.

SUBMITTED:

Phyllis P. Liscum, Secretary

APPROVED:

Alfred E. Ptasznik, Jr., Chair

DATE: _____

Attachments to Minutes

- UP-679-05: Statement from applicant, Tracey A. Smith
- ZM-97-05: Letter/Petition from Sheila Moynihan
- UP-686-05: Letter from Virginia Department of Historic Resources
Letter from James City County w/attachments